

REMARKS

Reconsideration of this application as amended is respectfully requested. Claims 1, 4, 10-12, 17, 20 and 24 have been amended herein, and claims 5, 9, 13-16, 18-19 and 21-23 were previously cancelled. Accordingly, claims 1-4, 6-8, 10-12, 17, 20 and 24-25 remain in this application and are again presented for the Examiner's consideration in view of the following comments.

Applicant seeks to amend Fig. 1 to correct an inconsistency between the positions of ends 32 and 34 as described in the specification and the positions shown in the drawing, and to show the J-tip 24 on wire 22. In addition, applicant seeks to amend Fig. 2 to correctly identify internal conduit 14 and to identify distal end 32 of catheter 12. Finally, applicant seeks to amend Fig. 4 to show the J-tip 24' on wire 22'. Each of these drawings is marked in red to show the proposed changes and formal drawings incorporating these changes are enclosed. Applicant submits that no new matter has been added to the application by these amendments.

In the Official Action, claims 1, 2, 4, 6-8, 10-12, 17, 20, 24 and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,056,721 to Schulze ("Schulze"). Furthermore, claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schulze. Applicant respectfully traverses these rejections.

As applicant has previously noted, Schulze is directed to a combination angioplasty and drug delivery catheter. The catheter includes a series of four axially extending lumens, one lumen being connected to an infusion port for dispensing a therapeutic agent or drug into the blood vessel, another lumen being connected to a high compliance balloon positioned proximally of the infusion port and supplying a fluid or gas for inflating or deflating the high compliance balloon, and a third

lumen being connected to a low compliance angioplasty balloon positioned distally of the infusion port and supplying a second fluid for inflating and deflating the low compliance balloon. The fourth lumen in the catheter is for a guide wire as well as the passage of a body fluid or contrast solution from or into the vascular passageway. As stated in the abstract of *Schulze*,

"at least one of the lumens has a cross section which is non circular and is configured, in conjunction with the other lumens, to provide a maximum total lumen cross sectional area within a minimum diameter catheter body."

It is therefore apparent that *Schulze* is intended to provide angioplasty type catheters capable of simultaneous drug delivery in which the catheters are small enough in diameter to be inserted into narrow, occluded passageways.

The Examiner indicated that *Schulze* recognizes that flow passageways may be physically enlarged by "mechanical displacement of deposits". (See column 1, lines 22-25) In this regard, however, *Schulze* is expressly referring to the use of angioplasty balloons to open blocked passageways. In fact, in the paragraph immediately preceding his reference to the physical enlargement of flow passageways by mechanical displacement of deposits, *Schulze* states:

"The use of balloon catheters for dilating or otherwise opening vascular or other body conduits and passageways which have been partially or entirely blocked by deposits or other obstructions is generally known...Once positioned, the balloon is inflated to enlarge the passageway and compress the deposits or obstructions against the inner wall of the vessel." (column 1, lines 9-21)

As noted by the Examiner, in addition to the mechanical displacement of deposits, *Schulze* recognizes that modern techniques may include the use of therapeutic medicines

to treat the obstructed regions. However, nowhere does *Schulze* suggest the use of a rotating guide wire for breaking up thrombotic material as required by all of the claims in the present application. Indeed, while *Schulze* describes the use of a guide wire 68 for guiding balloon catheter device 10 into the vascular conduit 12 (column 10, lines 50-55), nowhere in the reference does *Schulze* suggest that the guide wire is rotatable or that the guide wire may be used to break up occluded areas within the vascular conduit.

In order for a reference to anticipate a claim, it must disclose each and every feature recited in the claim. As *Schulze* fails to teach a rotatable guide wire for breaking up thrombotic material, *Schulze* simply cannot anticipate any of the claims herein, all of which include this requirement. The Examiner appears to recognize this by referring to U.S. Patent No. 6,527,979 to Constantz et al. ("Constantz") as teaching the use of guide wires as external means to break blockages within a vessel. However, the Examiner has not combined Constantz with *Schulze* to formulate an obviousness rejection under § 103. Accordingly, applicant does not deem it necessary to discuss the Constantz reference or whether its teachings may properly be combined with those of *Schulze*. Rather, as *Schulze* fails to teach all of the limitations of the claims herein, *Schulze* simply does not anticipate these claims as concluded by the Examiner. For at least this reason, applicant submits that all of the claims herein patentably distinguish over *Schulze* such as to warrant their immediate allowance, which action is respectfully requested.

Applicant traverses the Examiner's rejection over *Schulze* under 35 U.S.C. § 103(a) for the same reasons. That is, the Examiner's obviousness rejection is predicated on the obviousness of selecting a known material based on its suitability for its intended use. However, that rationale does not support

an obviousness rejection in which *Schulze* fails to teach the use of a rotatable guide wire for breaking thrombotic material. As claim 3 depends from claim 1 and includes the requirement for a rotatable guide wire, applicant submits that the Examiner's obviousness rejection based on *Schulze* is without merit. Accordingly, applicant submits that claim 3 patentably distinguishes over *Schulze* and is in condition for allowance.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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ANNOTATED SHEET
SHOWING CHANGES

1/4

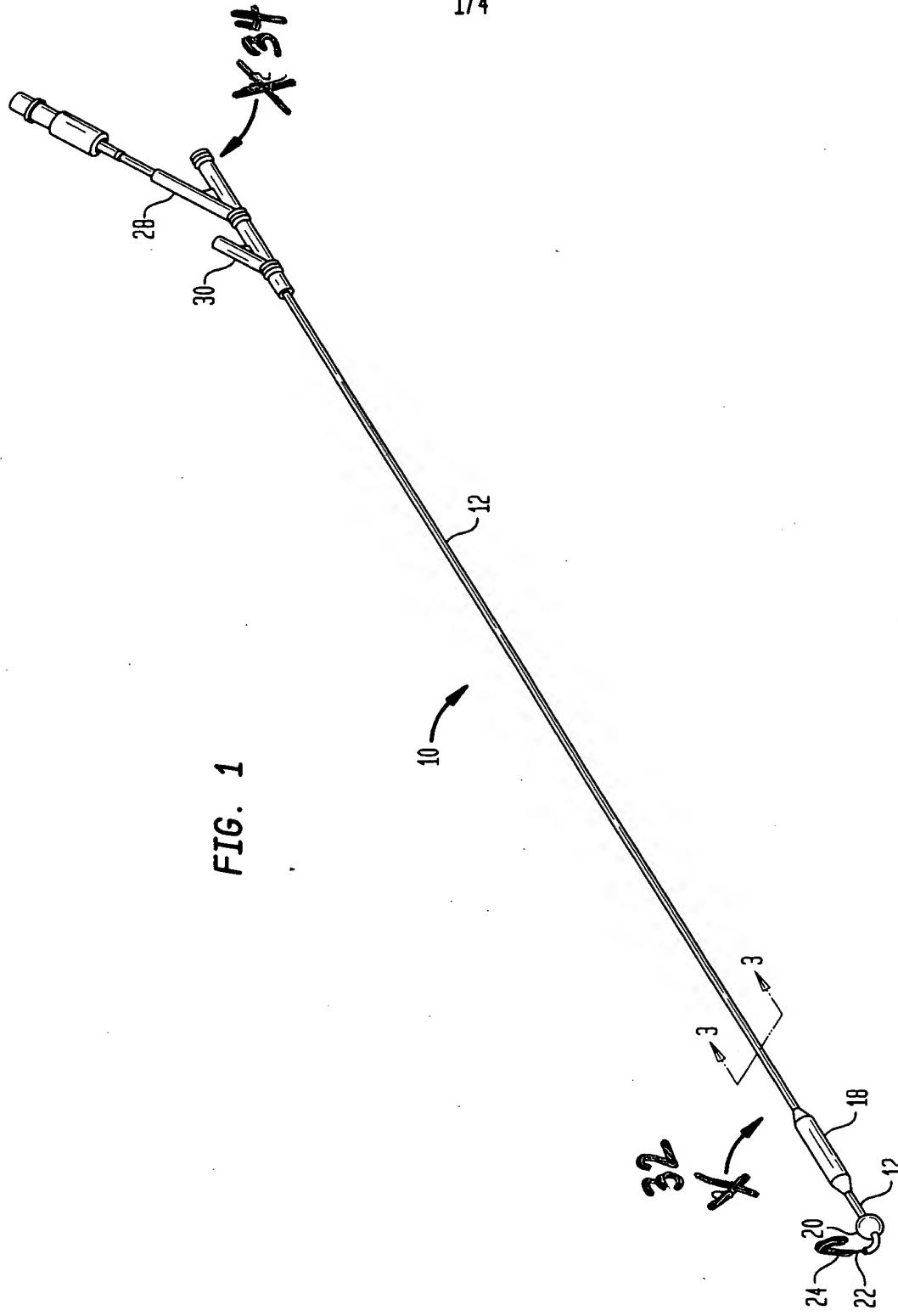


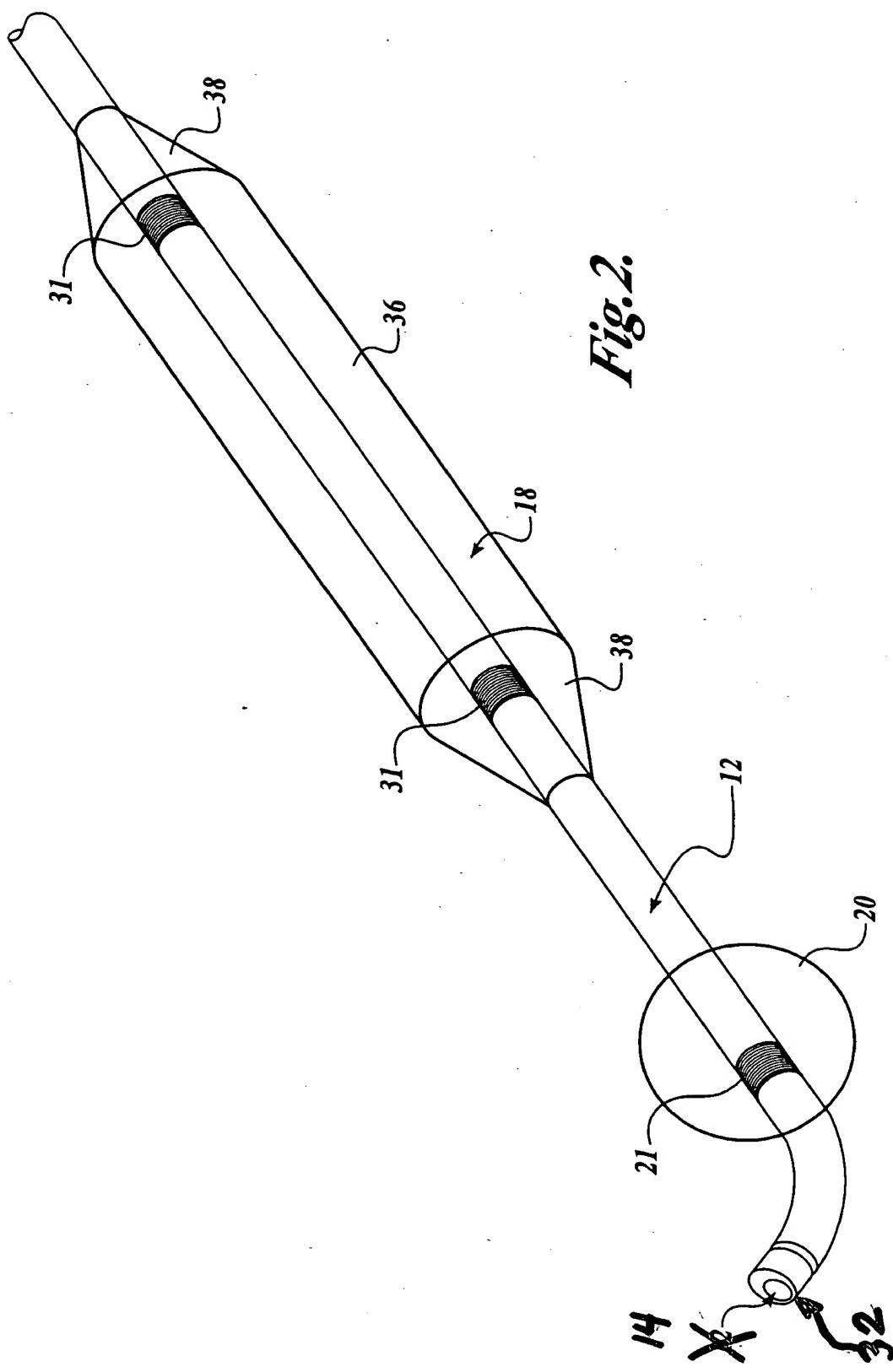
FIG. 1



ANNOTATED SHEET
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Fig. 2.



ANNOTATED SHEET
SHOWING CHANGES

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FIG. 4

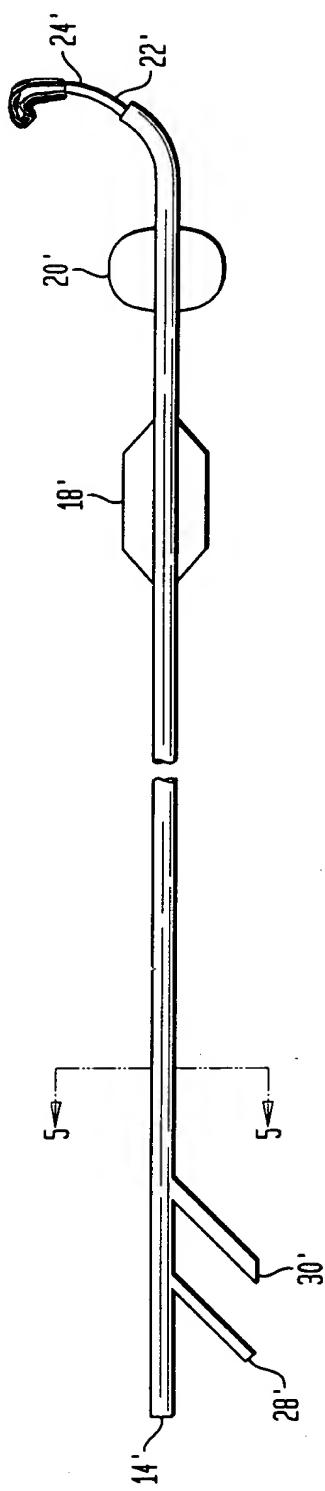


FIG. 5

